

Amendment After Final Rejection
Serial No. 09/905,130

Docket No. FR000075

REMARKS

Entry of this amendment and reconsideration are respectfully requested in view of amendments made to the claims and for the remarks made herein.

Claims 1-20 are pending and stand rejected. Claims 1, 2, 12, 13 and 16 have been amended.

Claims 2, 12 and 13 stand rejected under 35 USC 101 as not being directed to statutory subject matter.

Applicant respectfully disagrees with, and explicitly traverses, the reason for rejecting the claims. However, in the interest of advancing the prosecution of this matter, the claims have been amended to recite a processor receiving a coded signal. No new matter has been recited. Rather, the order of the wording of the claims has been amended to more clearly state the invention.

Having amended the claims, applicant submits that the reason for the rejection has been overcome. Applicant respectfully requests the rejection be withdrawn and the claims allowed.

Claims 1-20 stand rejected under 35 USC 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Jones (USP no. 6,453,355).

Applicant respectfully disagrees with, and explicitly traverses, the reason for rejecting the claims. However, in the interest of advancing the prosecution of this matter, the independent claims have been amended to recite that the fragmentation file not being network specific. No new matter has been added.

Support for the amendment may be found at least on page 3, lines 17-18, which state "with the solution according to the invention, the fragmentation information file containing all the required information is not network specific..."

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable

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expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

In this case, the combination of AAPA and Jones fails to disclose a system including fragmentation files that are not network specific as is recited in the claims.

Applicant submits that the rejection of claim 1 has been overcome as the combination of the cited prior art fails to recite all the elements claimed. For at least this reason the rejection can no longer be sustained and applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard to the remaining independent claims, these claims recite subject matter similar to that stated in claim 1 and were rejected citing the same references used in rejecting claim 1. Thus, applicant's remarks made in response to the rejection of claim 1 are also applicable in response to the rejection of the remaining independent claims. In view of the remarks made with regard to the rejection of claim 1, which are reasserted, as if in full, in response to the rejection of the remaining independent claims, applicant submits that the reason for the rejection of these claims has been overcome and the rejection can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard to the remaining claims, these claims ultimately depend from the independent claims, which have been shown not to be obvious, and, hence, allowable, over the cited references. Accordingly, the aforementioned claims are also allowable by virtue of their dependence from an allowable base claim.

Although the last Office Action was made final, this amendment should be entered. No matter has been added to the claims that would require comparison with the prior art or any further review. Accordingly, pursuant to MPEP 714.13, applicant's amendments should only require a cursory review by the examiner. The amendment therefore should be entered without requiring a showing under 37 CFR 1.116(b).

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For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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